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DATE: March 14, 2003

PATENT

Re:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit: 1614
Rozlyn A. Krajcik *et al.* :

Conf. No.: 5919 : Examiner: Jennifer M.

Appln. No.: 10/073,607 :

Filed: February 11, 2002 :

For: METHODS AND COMPOSITIONS FOR :
THE TREATMENT OF ALOPECIA AND :
OTHER DISORDERS OF THE PILO- :
SEBACEOUS APPARATUS : Attorney Docket
: No. 4555-43U1

#3
JRP
3/26/03

RESPONSE TO RESTRICTION REQUIREMENT

This reply is provided in response to the Restriction Requirement (Paper No. 2) mailed February 24, 2003. This reply is timely filed on March 14, 2003, in advance of the March 24, 2003 deadline set by the Examiner in Paper No. 2.

Claims 1-30 are pending in the application. In Paper No. 2, the Examiner has required a restriction between the claims of Group I (claims 1-19, drawn to a method of treating a disorder of the pilosebaceous apparatus of a mammal, comprising administering an insulin sensitivity increasing substance) and Group II (claims 20-30, drawn to a composition for treating a disorder of the pilosebaceous apparatus of a mammal, comprising an insulin sensitivity increasing substance).

The Examiner asserts that the inventions of Group I and Group II are distinct but related as a product and process of use. The Examiner contends that the product can be used in a materially different process since the product can be used to treat diabetes mellitus. No search classification or field of search is articulated by the Examiner for each of the Groups. The applicants respectfully traverse this restriction requirement.

Where the inventions disclosed within an application are related and the Examiner believes that the inventions are distinct under the criteria of MPEP § 806.05(c-i) the Examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (a) a separate classification of the invention; (b) a separate status in the art if the inventions are classifiable together; or (c) a different field of search. MPEP § 808.02.

In the present restriction the Examiner has failed to make such showing. No articulation of the search classifications is made. Therefore, he has not met his burden of demonstrating restriction requirement is necessary. Accordingly, the applicants respectfully request that the restriction requirement be withdrawn, for it is not a proper restriction.

PROVISIONAL ELECTION

While the applicants disagree with the Examiner's restriction requirement and the arguments provided in support thereof, they hereby provisionally elect for prosecution the claims of Group I (claims 1-19) drawn to a method of treating a disorder of the pilosebaceous apparatus of a mammal, comprising administering an insulin sensitivity increasing substance, should the requirement be made final.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below regarding any questions which may arise. Consideration and early examination of the claims are respectfully requested.

Respectfully submitted,

ROZLYN A. KRAJCIK *et al.*

14 March 2003
(Date)

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